

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEVIN T. MOORE, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 06-757-\*\*\*  
 )  
 MATTHEW LONG, et al., )  
 )  
 Defendants. )

FILED  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2007 MAR 22 PM 1:02

**ORDER**

WHEREAS, plaintiff Kevin T. Moore ("Moore"), was a prisoner incarcerated at the Sussex Community Correctional Center, Georgetown, Delaware at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on December 21, 2006, the court entered an order and granted plaintiff leave to proceed *in forma pauperis*, and assessed an initial partial filing fee (D.I. 5);

WHEREAS, the order was mailed to plaintiff and returned as "undeliverable." (D.I. 6, 7.)

WHEREAS, on January 19, 2007, the court received plaintiff's change of address indicating that as of January 18, 2007, he was no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx.

429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 22 day of March, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the filing fee (\$350) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed *in forma pauperis*.

The Clerk of the Court is directed to mail this order to the address listed on the docket sheet, and to the addressed set forth on the docket sheet at the January 19, 2007 "Remark."

**NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.**

  
Honorable Mary Pat Thynga  
U.S. Magistrate Judge